

AMENDED IN SENATE JUNE 18, 1998  
AMENDED IN ASSEMBLY MAY 19, 1998  
AMENDED IN ASSEMBLY APRIL 28, 1998  
AMENDED IN ASSEMBLY APRIL 15, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2509**

**Introduced by Assembly Member Napolitano**

February 20, 1998

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~~An act to amend Section 21100 of, and to add Section 21119 to, the Vehicle Code, relating to vehicles. An act to add and repeal Section 21100.7 of the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2509, as amended, Napolitano. Vehicles: funeral processions.

(1) Existing law permits local authorities to adopt rules and regulations by ordinance to authorize any person to direct traffic at locations that require traffic direction for orderly traffic flow.

This bill would revise these provisions, *until January 1, 2002*, to require a local authority *in the County of Los Angeles*, whenever it authorizes the regulation of traffic by any person for a funeral procession, to issue each funeral escort an identification card and an official insignia in the form of a patch or badge indicating that the funeral escort is authorized

to direct traffic in accordance with the movement of the funeral procession. The authority would be required to charge a fee for the issuance of the identification card and official insignia, equal to the cost incurred by the authority in issuing that card and insignia. For these purposes, the bill would define “funeral escort” and “funeral procession.” The bill would require those local authorities to regulate the formal training of funeral escorts relating to traffic control and traffic safety procedures, as specified. ~~Thus, to the extent~~ *Because a violation of these provisions would be a crime and because* the bill would increase the responsibilities of local authorities, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 ~~SECTION 1. Section 21100 of the Vehicle Code is~~
- 2 *SECTION 1. Section 21100.7 is added to the Vehicle*
- 3 *Code, to read:*
- 4 *21100.7. (a) Whenever a local authority in the*
- 5 *County of Los Angeles authorizes the regulation of traffic*
- 6 *for a funeral procession pursuant to paragraph (1) of*

1 subdivision (e) of Section 21100, the local authority shall  
2 do all of the following:

3 (1) Issue each funeral escort in that procession an  
4 identification card and an official insignia in the form of  
5 a patch or badge indicating that the funeral escort is  
6 authorized to direct traffic in accordance with the  
7 movement of the funeral procession. The local authority  
8 shall charge the funeral escort or his or her employer a fee  
9 that is equal to the costs incurred by the authority in  
10 issuing that card and insignia.

11 (2) Require that each vehicle in the funeral procession  
12 be clearly marked with a funeral sticker and have its  
13 headlights activated.

14 (3) Require that there be one funeral escort for every  
15 12 vehicles in the procession, except that the escort in  
16 charge of the procession shall be authorized to vary this  
17 requirement based on traffic conditions and the nature of  
18 the route.

19 (4) Regulate the formal training of funeral escorts  
20 relating to traffic control and traffic safety procedures. At  
21 a minimum, the regulation shall require providers of  
22 funeral escort services to do all of the following:

23 (A) Provide funeral escorts with not less than 30 hours  
24 of formal training on traffic control and traffic safety  
25 procedures.

26 (B) Certify the participation of funeral escorts in not  
27 less than 25 funeral processions.

28 (C) Establish a training manual that includes, but is  
29 not limited to, all of the following subjects:

30 (i) Traffic control and direction.

31 (ii) Legal responsibilities of funeral escorts.

32 (iii) Safety requirements for funeral processions.

33 (iv) Record keeping and reporting of incidents.

34 (v) Safety and inspection of motorcycles and other  
35 funeral escort vehicles.

36 (b) For the purposes of this section, the following  
37 terms have the following meanings:

38 (1) "Funeral escort" means a uniformed person  
39 employed by a mortuary or company to direct the

1 movement of a group of vehicles engaged in a funeral  
2 procession.

3 (2) "Funeral procession" means a group of two or  
4 more vehicles traveling in line from a funeral service,  
5 whether that funeral service is held at a place of worship  
6 or another location, to a transportation facility, cemetery,  
7 or crematory.

8 (c) This section shall remain in effect only until  
9 January 1, 2002, and as of that date is repealed, unless a  
10 later enacted statute, which is enacted on or before  
11 January 1, 2002, deletes or extends that date.

12 SEC. 2. No reimbursement is required by this act  
13 pursuant to Section 6 of Article XIII B of the California  
14 Constitution for certain costs that may be incurred by a  
15 local agency or school district because in that regard this  
16 act creates a new crime or infraction, eliminates a crime  
17 or infraction, or changes the penalty for a crime or  
18 infraction, within the meaning of Section 17556 of the  
19 Government Code, or changes the definition of a crime  
20 within the meaning of Section 6 of Article XIII B of the  
21 California Constitution.

22 However, notwithstanding Section 17610 of the  
23 Government Code, if the Commission on State Mandates  
24 determines that this act contains other costs mandated by  
25 the state, reimbursement to local agencies and school  
26 districts for those costs shall be made pursuant to Part 7  
27 (commencing with Section 17500) of Division 4 of Title  
28 2 of the Government Code. If the statewide cost of the  
29 claim for reimbursement does not exceed one million  
30 dollars (\$1,000,000), reimbursement shall be made from  
31 the State Mandates Claims Fund.

32 Notwithstanding Section 17580 of the Government  
33 Code, unless otherwise specified, the provisions of this act  
34 shall become operative on the same date that the act  
35 takes effect pursuant to the California Constitution.

36 ~~amended to read:~~

37 ~~21100. Local authorities may adopt rules and~~  
38 ~~regulations by ordinance or resolution regarding the~~  
39 ~~following matters:~~

1 ~~(a) Regulating or prohibiting processions or~~  
2 ~~assemblages on the highways.~~

3 ~~(b) Licensing and regulating the operation of vehicles~~  
4 ~~for hire and drivers of passenger vehicles for hire.~~

5 ~~(c) Regulating traffic by means of traffic officers.~~

6 ~~(d) Regulating traffic by means of official traffic~~  
7 ~~control devices meeting the requirements of Section~~  
8 ~~21400.~~

9 ~~(e) (1) Regulating traffic by means of any person~~  
10 ~~given temporary or permanent appointment for that~~  
11 ~~duty by the local authority whenever official traffic~~  
12 ~~control devices are disabled or otherwise inoperable, at~~  
13 ~~the scenes of accidents or disasters, or at locations that~~  
14 ~~require traffic direction for orderly traffic flow.~~

15 ~~No person, however, shall be appointed pursuant to this~~  
16 ~~paragraph unless and until the local authority has~~  
17 ~~submitted to the commissioner or to the chief law~~  
18 ~~enforcement officer exercising jurisdiction in the~~  
19 ~~enforcement of traffic laws within the area in which the~~  
20 ~~person is to perform that duty, for review, a proposed~~  
21 ~~program of instruction for the training of a person for that~~  
22 ~~duty, and unless and until the commissioner or other chief~~  
23 ~~law enforcement officer approves the proposed program.~~  
24 ~~The commissioner or other chief law enforcement officer~~  
25 ~~shall approve the proposed program if he or she~~  
26 ~~reasonably determines that the program will provide~~  
27 ~~sufficient training for persons assigned to perform the~~  
28 ~~duty described in this paragraph.~~

29 ~~(2) (A) Whenever a local authority authorizes the~~  
30 ~~regulation of traffic pursuant to paragraph (1) for a~~  
31 ~~funeral procession, the local authority shall issue each~~  
32 ~~funeral escort of that procession an identification card~~  
33 ~~and an official insignia in the form of a patch or badge~~  
34 ~~indicating that the funeral escort is authorized to direct~~  
35 ~~traffic in accordance with the movement of the funeral~~  
36 ~~procession. A local authority shall charge the funeral~~  
37 ~~escort or his or her employer a fee for the issuance of an~~  
38 ~~identification card and an official insignia pursuant to this~~  
39 ~~subparagraph to the funeral escort equal to the costs~~  
40 ~~incurred by the authority in issuing that card and insignia.~~

~~(B) For the purposes of this paragraph, the following definitions shall apply:~~

~~(i) "Funeral escort" means a uniformed person employed by a mortuary or company to direct the movement of a group of vehicles engaged in a funeral procession.~~

~~(ii) "Funeral procession" means a group of two or more vehicles traveling in line from a funeral service, whether that funeral service is held at a place of worship or other location, to a transportation facility, cemetery, or crematory. For the purposes of this paragraph, each vehicle shall be clearly marked with a funeral sticker and each vehicle shall have its headlights activated. There shall be one escort for every 12 vehicles in the procession, except that the escort in charge of the procession may vary this requirement based on traffic conditions and the nature of the route.~~

~~(f) Regulating traffic at the site of road or street construction or maintenance by persons authorized for that duty by the local authority.~~

~~(g) Licensing and regulating the operation of tow truck service or tow truck drivers whose principal place of business or employment is within the jurisdiction of the local authority, except the operation and operators of any auto dismantlers' tow vehicle licensed under Section 11505 or any tow truck operated by a repossessing agency licensed under Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code and its registered employees. Nothing in this subdivision shall limit the authority of a city or city and county pursuant to Section 12111.~~

~~(h) Operation of bicycles, and, as specified in Section 21114.5, electric carts by physically disabled persons, or persons 50 years of age or older, on the public sidewalks.~~

~~(i) Providing for the appointment of nonstudent school crossing guards for the protection of persons who are crossing a street or highway in the vicinity of a school or while returning thereafter to a place of safety.~~

~~(j) Regulating the methods of deposit of garbage and refuse in streets and highways for collection by the local~~

1 ~~authority or by any person authorized by the local~~  
2 ~~authority.~~

3 ~~(k) (1) Regulating cruising pursuant to an ordinance~~  
4 ~~or resolution which shall define cruising as the repetitive~~  
5 ~~driving of a motor vehicle past a traffic control point in~~  
6 ~~traffic that is congested at or near the traffic control point,~~  
7 ~~as determined by the ranking peace officer on duty~~  
8 ~~within the affected area, within a specified time period~~  
9 ~~and after the vehicle operator has been given an~~  
10 ~~adequate written notice that further driving past the~~  
11 ~~control point will be a violation of the ordinance or~~  
12 ~~resolution.~~

13 ~~(2) No person is in violation of an ordinance or~~  
14 ~~resolution adopted pursuant to paragraph (1) unless (A)~~  
15 ~~that person has been given the written notice on a~~  
16 ~~previous driving trip past the control point and then~~  
17 ~~again passes the control point in that same time interval~~  
18 ~~and (B) the beginning and end of the portion of the street~~  
19 ~~subject to cruising controls are clearly identified by signs~~  
20 ~~that briefly and clearly state the appropriate provisions of~~  
21 ~~paragraph (1) and the local ordinance or resolution on~~  
22 ~~cruising.~~

23 ~~(l) Regulating or authorizing the removal by peace~~  
24 ~~officers of vehicles unlawfully parked in a fire lane, as~~  
25 ~~described in Section 22500.1, on private property. Any~~  
26 ~~removal pursuant to this subdivision shall be consistent to~~  
27 ~~the extent possible with the procedures for removal and~~  
28 ~~storage set forth in Chapter 10 (commencing with~~  
29 ~~Section 22650).~~

30 ~~SEC. 2. Section 21119 is added to the Vehicle Code, to~~  
31 ~~read:~~

32 ~~21119. Local authorities that authorize the regulation~~  
33 ~~of traffic under paragraph (1) of subdivision (e) of~~  
34 ~~Section 21100 for funeral processions, shall regulate the~~  
35 ~~formal training of funeral escorts relating to traffic~~  
36 ~~control and traffic safety procedures. At a minimum, the~~  
37 ~~regulation shall require providers of funeral escort~~  
38 ~~services to do all of the following:~~

~~(a) Provide funeral escorts with not less than 30 hours of formal training on traffic control and traffic safety procedures.~~

~~(b) Certify the participation of funeral escorts in not less than 25 funeral processions.~~

~~(c) Establish a training manual that includes, but is not limited to, all of the following subjects:~~

~~(1) Traffic control and direction.~~

~~(2) Legal responsibilities of funeral escorts.~~

~~(3) Safety requirements for funeral processions.~~

~~(4) Recordkeeping and reporting of incidents.~~

~~(5) Safety and inspection of motorcycles and other funeral escort vehicles.~~

~~SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.~~

~~However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.~~

~~Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.~~